THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.3119 OF 2006

DATED: 20.02.2006

BETWEEN:

Elugu Ravi Kumar

… Petitioner

and

The Commissioner,

Municipal Corporation, Karimnagar

… Respondent

THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.3119 OF 2006

ORDER:

The writ petition is filed to declare the action of the Respondent in not according permission to erect a building in petitioner's land to an extent of Ac.0-01 guntas in Sy.No.53 of Ambedkar Nagar, Karimnagar District, as illegal, arbitrary and direct the respondent to accord permission to erect a building in his land.

The petitioner submits that the land to an extent of Ac.0-01 guntas in Survey No.53 of Ambedkar Nagar, Karimnagar District was originally assigned in favour of his father vide proceedings No.A5/6265/74, dated 5.3.1979 by the

then Tahsildar, Karimnagar. His father died intestate on 26.08.2002 leaving behind him four sons namely A.Kondaiah, A.Rajanarsu, Veer Kumar and Ravi Kumar. It is stated that after the death of the petitioner's father, his brothers relinquished their rights in favour of the petitioner and therefore, the petitioner is in possession and occupation of the said premises.

It is stated that the shed raised by his father was collapsed and therefore, the petitioner wanted to reconstruct the shed in the year 2004, but on certain complaints by the local people the respondent and the Mandal Revenue Officer, Karimnagar demolished the said shed. It is stated that questioning the said action of the respondent and MRO, petitioner filed W.P.No.1254 of 2005 and the same is pending by granting interim direction not to demolish the construction without following the due process of law. It is stated that the said property was also assigned door No. 6.6.915/2 (Old No.6-6-915/1) and that the respondent also collected the house tax for the period from 01.10.2004 to 31.03.2005. It is stated that when the third parties tried to interfere with the petitioner's possession, he filed O.S.No.57 of 2005 before the Principal Junior Civil Judge, Karimnagar, which was decreed on 09.08.2005. The petitioner made an application to the respondent on 8.10.2005 under Sections 428 and 433 of the Hyderabad Municipal Corporation Act to construct a building, but the respondent did not pass any order even till today.

In view of the above reasons, the writ petition is disposed of directing the respondent to dispose of the application of the petitioner dated 8.10.2005 and pass appropriate orders, within eight week from the date of receipt of a copy of this order. No costs.

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V.ESWARAIAH,J

Dated:20-02-2006

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